REMARKS/ARGUMENTS

This paper is in response to the final Office Action. All the claims were examined, of which claims 1, 8, 15, and 19 are independent claims. Applicant respectfully submits that the present application is in a condition for allowance in view of the following remarks.

Claim Rejections

1. Claims 1-20 and 25-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 92/22983 to Browne et al. (hereinafter "Browne") in view of U.S. Patent Application Publication No. 2004/0049797 to Salmonsen (hereinafter "Salmonsen") in view of U.S. Patent No. 6,453,115 to Boyle (hereinafter "Boyle") in view of U.S. Patent Application Publication No. 2002/0066113 to Utsunomiya (hereinafter "Utsunomiya").

2. Claims 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Browne in view of Salmonsen in view of Boyle in view of Utsunomiya and further in view of U.S. Patent Application Publication No. 2002/0083145 to Perinpanathan.

Motivation to Combine based on Impermissible Hindsight

The Examiner indicated in the Office Action that in the proposed combination, Browne is modified by Salmonsen, Boyle, and Utsunomiya. However, the spirit of Browne is scanning the input programs, overwriting undesired programs, and retaining desired programs. (Pg. 7, 2nd para. in Browne). Also the teaching of storage means in Browne is using a buffer to cache programs on a **FIFO basis** (First in, First out) and is storing by the **neural network** analysis circuit. Besides, none of the secondary cited references has or follows the same teaching in Browne. Thus, the combination thereof does not strictly follow the teaching of Browne and Applicant respectfully asks the Examiner to point out any suggestion or motivation in Browne to combine Salmonsen, Boyle, and Utsunomiya. Furthermore, when the Examiner proposed such combination without strictly following the teaching of Browne, the Examiner is respectfully asked to present evidence of teachings from the prior art that is missing from such combination.

"Any judgement on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

Hence, any motivation to combine Browne, Salmonsen, Boyle, and Utsunomiya would constitute impermissible hindsight. The Examiner is using the same suggestion or motivation that is disclosed in the present application.

Obvious to Try

The Office is respectfully reminded that all inventions are combinations of old elements, or rearrangement of old elements in a novel, nonobvious way. As the court has pointed out in *In re McLaughlin*, 443 F 2d 1392 (C.C.P.A., 1971), "**a patentable invention, within the ambit of 35 U.S.C. section 103, may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose, without producing anything beyond the result inherent in their use.**" *In re Sponnoble*, 56 CCPA 823,405 F. 2d 578, 56 CCPA 823 (1969). Page 5 of the Office Action, mailed Nov. 12, 2009, stated that Browne fails to disclose the elements and the interaction thereof in the present invention, which are a network, a personal computer, and a virtual storage management (VSM). Although the concepts of the network, personal computer, and the VSM are well-known, applying the combination thereof to the PVR not only provides a solution to the long felt need but also has a synergistic effect of expansion memory.

Rejection to claims 1, 8, 15, and 19

Claims 1, 8, 15, and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over Browne in view of Salmonsen in view of Boyle in view of Utsunomiya. Applicant respectfully disagrees. Applicant also hereby makes amendments to the claims to further distinguish the difference between the subject matter sought to be patented and the prior arts. The amendments

are based on paragraph [0015] in the specification filed June 20, 2003 and incorporate previous claims 2-3 and claims 9-10 to specifically describe the functions of VSM. Applicant respectfully submits that no new matter is added and the amendments to the claims traverse this rejection.

More specifically, the cited references, combined or individually, do not disclose every limitation of the amended independent claims. First of all, second paragraph, page 6 of the Office Action, mailed Nov. 12, 2009, stated that Browne in view of Salmonsen fail to disclose the VSM logic in the subject matter sought to be patented. Secondly, the frame index data structure in Boyle is different from the VSM. The index data structure in Boyle comprises a series of entries (col.10, line 31-32 in Boyle) and can be used to access particular frames (col. 6, line 38-41 in Boyle), however, the VSM in the subject matter can not only track the memory locations but also have the ability of tracking the available memory space. Lastly, the personal computer in Utsunomiya is used for making reference to the dispersed storage location information ([0095] in Utsunomiya), but Utsunomiya fails to teach how to make reference. Hence, Applicant respectfully submits that none of the cited reference or combination thereof teaches the VSM in the subject matter sought to be patented and the amendment traverses the rejection under 35 U.S.C. 103(a).

Rejection to claims 4-7, 11-14, 16-18, and 20-28

Claims 4-7, 11-14, 16-18, and 20-28 depend from claims 1, 8, 15, and 19, and applicant respectfully submits the traverse of this rejection regarding to the patentability of the independent claims 1, 8, 15, and 19.

Conclusion

Claims 2-3 and 9-10 has been cancelled and claims 1, 6, 8, 15, 19 are amended to correct clerical error or to further distinguish the difference between the subject matter sought to be patented and the prior arts. The applicant expresses his gratitude to the Examiner for the courtesies extended to Applicant's undersigned representative throughout prosecution of this application. In view of the at least on reason above, Applicant respectfully submits that the independent claims 1, 8, 15, and 19 patentably define the present invention over the citations of

record. Further, the dependent claims 4-7, 11-14, 16-18, and 20-28 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested. Favorable consideration is respectfully requested.

Dated: February 4, 2010 By: /Michael A. Shimokaji/
Michael A. Shimokaji, Reg. No. 32303

SHIMOKAJI & ASSOCIATES, P.C.
8911 Research Drive
Irvine, CA 92618
(949) 788-9961